

REMARKS

Applicant notes with appreciation the withdrawal of the previous rejections. However, a new ground of rejection has been made in the present Office Action. In particular, all pending claims are rejected under 35 U.S.C. §103(a) as being unpatentable over Gorczynski et al., *Cellular Immunol.* (1995) 160:224-231 ("Gorczynski"), in view of U.S. Patent No. 6,582,692 to Podsakoff et al., ("Podsakoff"), Wakita et al., *J. Biol. Chem.* (1998) 273:9001-9006 ("Wakita") and Lee et al., *Vaccine* (2000) 18:1962-1968 ("Lee").

As correctly noted by the Office, Lee published less than one year prior to applicant's priority date of June 27, 2000. The inventor of the present application, Paliard, is a coauthor on Lee and the relevant portions of Lee describe applicant's own work. To evidence this, applicant is submitting the Declaration of Xavier Paliard, pursuant to *In re Katz*. Thus, this basis for rejection has been overcome. Withdrawal of the rejection over the stated combination is respectfully requested.

In light of the above remarks, applicant submits that the present application is fully in condition for allowance. Early notice to that effect is earnestly solicited.

If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, applicant invites the Examiner to contact the undersigned.


The Commissioner is hereby authorized to charge any fees and credit any overpayment of fees which may be required under 37 C.F.R. §1.16, §1.17, or §1.21, to Deposit Account No. 18-1648.

Please direct all further written communications regarding this application to:

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Respectfully submitted,

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